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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/521,379

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Frank Hundscheidt

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EXAMINER

BOUKNIGHT, STEVEN M

ART UNIT

PAPER NUMBER

2443

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DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/521,379	HUNDSCHIEDT ET AL.	
	Examiner	Art Unit	
	STEVEN BOUKNIGHT	2443	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11, 13, 14 and 17-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☒ Claim(s) 2-10 and 17-21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>01/18/2005 and 01/04/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim(s) 2-10 and 17-21 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.
2. Claims 2-10 have been objected to because each are dependent method claims that modifies something other than a "method" recited in the independent claim 1. For example, claim 2 adds a limitation to what "the control instruction" relates to, but this does not limit the claimed steps of selecting, receiving, and triggering of claim 1, therefore it is an intended use type of limitation and does not limit the claimed method. The same objection applies for "the floor controller", "the data stream", "session control channel[s]", and "floor control channel" recited in claims 3-10.
3. Claims 17-21 contain the language "adapted to": "the first control element being adapted to..." in claim 17, "the second control element being adapted to..." in claim 18, "the third control element being adapted to..." in claim 19, "the fourth control element being adapted to..." in claim 20, and "a fifth control element being adapted to..." in claim 21. Claim scope is not limited by claim language such as "adapted to", which suggests or makes optional the following functional language (i.e. to be activated to generate a control instruction...", "to be activated to generate a request for session control...", "to be activated to generate a request for floor control...", "to be activated to generate a

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request for direct access...”, and “to be activated to instruct one of the network components...”) but does not require steps to be performed or limit a claim to a particular structure. As such, the language following “adapted to” in each of claims 17-21 have not been given any patentable weight, however, are still addressed in the 35 U.S.C. §102 rejection for purposes of prior art (see MPEP 2111.04 and 2106 part II (C)).

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim(s) 17-22 are rejected because they are directed to non-statutory subject matter.

In view of claims 17-22, a “user interface” is software per se and thus does not qualify as a process, machine, manufacture, composition of matter, or any new and useful improvement thereof. Therefore, it is directed to non-statutory subject matter.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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6. Claim(s) 1-11, 13, 14 and 17-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Wei et al. (JMS: A Flexible Collaborative Environment).

7. In view of claim 1, the Wei et al. reference teaches a method of controlling a floor controller of a communications network including a group of network components which are configured to receive a data stream from a data source, comprising the steps of: selecting the network component which is to control the data source (see figure 2 and page 197 left column paragraphs 3-4, wherein a network component [JMS client: User A or B] is selected as the floor holder based on floor policies); receiving a control instruction from at least one network component, the control instruction relating to a control of the data source (see figure 2 and page 198 right column paragraph 2 lines 22-40 wherein a coupling event relating to control of an application tool based on floor control of a session is received by the JMS client); and in response to receipt of the control instruction from the selected network component, triggering the transmission of a corresponding session control command to the data source (see page 198 left column paragraph 2 lines 22-40 wherein upon receipt of the coupling event and floor control verification to authorize the JMS client sending the coupling event, the coupling event is sent to the JMS server for distribution).

8. In view of claim 2, the Wei reference teaches the method of claim 1, wherein the control instruction relates to a control of the data stream (see figure 3 page 199 right column paragraph 1 lines 12-15 wherein an example coupling event controls all operations of a whiteboard application; also page 201 right column paragraph 4 wherein

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an example coupling event involving an application media player includes control instructions like 'stop' of a media stream).

9. In view of claim 3, the Wei reference teaches the method of claim 1, wherein the floor controller belongs to the group of network components which receive the data stream (see figures 1 and 2 and 197 paragraph 4 for the floor policies, wherein a network component [JMS user client] granted floor control belongs to a group of JMS clients in a JMS architecture).

10. In view of claim 4, the Wei reference teaches the method of claim 1, wherein the data stream belongs to a streaming or gaming or gambling session initiated by the floor controller (see figure 4 and page 200 right column paragraph 3 wherein the data stream belongs to a gaming session initiated by the floor controller).

11. In view of claim 5, the Wei reference teaches the method of claim 1, wherein the floor controller confers at least one of a direct access to the data source and floor control at least temporarily to one of the network components of the group of network components (see page 197 right column first paragraph wherein the floor controller can be enforced to transfer between participants in a turn-taking policy; also see top of page 200 paragraph 1-2 wherein each participant in a conference can take floor control from the floor controller upon request in the chair-guidance policy).

12. In view of claim 6, the Wei reference teaches the method of claim 1, wherein the floor controller passes control of the data source by instructing one of the network components to take over session control or upon receipt of a request for session control from one of the network components (see top of page 200 paragraph 1-

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2 wherein floor controller passes control upon a request for session control of the application initiated; also see figure 3 for release flow button in floor control panel to release control).

13. In view of claim 7, the Wei reference teaches the method of claim 1, wherein a session control channel for receiving control instructions is established only between the floor controller and the selected network component of the group of network components (see figure 2 and page 198 right column paragraph 2 lines 19-22 wherein the multiplexer thread enables application tools to share one communication channel without interfering with each other for sharing coupling events).

14. In view of claim 8, the Wei reference teaches the method of claim 1, wherein session control channels for receiving control instructions are established between the floor controller and two or more network components of the group of network components (see figure 2 and page 198 right column paragraph 2 lines 19-22 wherein the multiplexer and demultiplexer threads enable multiple application tools, which are connected to the session manager, to share one communication channel without interfering with each other for sharing and receiving coupling events).

15. In view of claim 9, the Wei reference teaches the method of claim 1, wherein for floor control purposes a floor control channel is established between the floor controller and at least one of the network components (see figure 2 and page 197 paragraph 3, wherein a network component [JMS client] is floor holder through the use of application tools and page 198 right column paragraph 2 lines 19-22 wherein the multiplexer and

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demultiplexer threads enable multiple application tools, which are connected to the floor manager, to share one communication channel without interfering with each other).

16. In view of claim 10, the Wei reference teaches the method of claim 1, wherein the floor controller performs at least one of an authentication and authorization relating to at least one of the network components and control instructions (see page 198 right column paragraph 2 lines 27-32 and 38-40 wherein the floor manager of the floor controller checks to see if the user holds floor control to determine whether or not the user is authorized to send the coupling event).

17. In view of claim 11, the Wei reference teaches a computer program product within a computer usable medium (see page 197 right column paragraph 5 lines 25-35 wherein the JMS architecture is a computer-based java program) and all of the limitations as described in the rejection claim 1.

18. In view of claim 13, the Wei reference teaches a floor controller of a communications network including a group of network components which are configured to receive a data stream from a data source, the floor controller comprising: a selection unit for selecting the network component which is to control the data source (see figure 2 and page 197 left column paragraph 2 lines 12-22 for floor manager); a first interface for receiving control instructions from one or more of the network components, the control instructions relating to a control of the data source (see figure 2 and page 198 left column paragraph 2 lines 19-22 for multiplexer receiving coupling events); and a second interface for triggering, in response to receipt of control instructions, the transmission of corresponding session control commands to the data

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source (see figure 2 and page 198 right column lines 22-35 for demultiplexer in response to receiving coupling events, sending the events to the server).

19. In view of claim 14, the Wei reference teaches the floor controller of claim 13, wherein the floor controller is a mobile or stationary terminal or wherein the floor controller is configured as a proxy component or wherein the floor controller is co-located with the data source (see figure 2 and page 197 paragraph 5 lines 25-28 wherein the floor controller [JMS client A or B] is a hardware system).

20. In view of claim 17, although not given any patentable weight in part to the claim objection above, the Wei reference teaches a user interface (see figure 2 and page 198 paragraphs 3-4 for graphical user interface) of a network component belonging to a group of network components which are configured to receive a data stream from a data source, the user interface comprising: a first control element for controlling the data source, the first control element being adapted to be activated to generate a control instruction which is sent to a floor controller selecting the network component that is to control the streaming source, the control instruction prompting the floor controller to trigger transmission of a corresponding session control command to the data source (see figure 2 and page 198 paragraphs 3-4 for session manager module used for tool integration and wherein the application tool would send the coupling events to the floor controller and then to the JMS server).

21. In view of claims 18, although not given any patentable weight in part to the claim objection above, the Wei reference teaches the user interface of claim 17, further comprising a second control element for requesting session control, the second control

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element being adapted to be activated to generate a request for session control which is sent to the floor controller and prompts the floor controller to confer session control to the network component which requested session control (see figure 3 and top of page 200 paragraph 1-2 for floor control panel and request flow button in the floor control panel wherein the floor control panel is associated with session control and a user can request control of the application).

22. In view of claim 19, although not given any patentable weight in part to the claim objection above, the Wei reference teaches the user interface of claim 17, further comprising a third control element for requesting floor control, the third control element being adapted to be activated to generate a request for floor control which is sent to the floor controller and prompts the floor controller to confer floor control to the network component which requested floor control (see figure 3 and top of page 200 paragraphs 1-2 wherein a user is the session controller, floor controller and owner, also for floor control panel and request flow button in the floor control panel and wherein a user can request control through the floor control panel).

23. In view of claim 20, although not given any patentable weight in part to the claim objection above, the Wei reference teaches the user interface of claim 17, further comprising a fourth control element for requesting direct access to the data source, the fourth control element being adapted to be activated to generate a request for direct access which is sent to the floor controller that prompts the owner of that direct access to confer direct access to the network component which requested direct access (see figure 3 and top of page 200 paragraph 1-2 wherein a user is the session controller,

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floor controller and owner, also for floor control panel and request flow button in the floor control panel wherein a user can take control through the floor control panel).

24. In view of claim 21, although not given any patentable weight in part to the claim objection above, the Wei reference teaches the user interface of claim 17, further comprising a fifth control element being adapted to be activated to instruct one of the network components to take over at least one of a session control, floor control, and direct access to the data source (see figure 3 and top of page 200 paragraph 1-2 wherein a user is the session controller, floor controller and owner, also for floor control panel and release flow button in the floor control panel, wherein a user can release control through the floor control panel to one of the network components).

25. In view of claim 22, the Wei reference teaches the user interface of claim 17, further comprising an indicator element for indicating to an operator of the network component that at least one of session control, floor control, and direct access has been conferred to him or to an operator of another network component (see figure 3 and top of page 200 paragraph 1 for floor control panel and release flow button in the floor control panel and wherein a user can release control through the floor control panel to one of the network components).

26. In view of claims 23, 24, 25, 26, 27, 28, 29, 30 and 31, the Wei reference teaches the computer program product of claim 11 and all of the limitations as described in the rejections of claims 2, 3, 4, 5, 6, 7, 8, 9 and 10, respectively above.

Conclusion

27. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hao et al. (US 5,844,553), Hundscheidt et al. (US 2060155839), and Keller et al. (US 7,366,780) all teach a method of floor and session control.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to STEVEN BOUKNIGHT whose telephone number is (571)270-5701. The examiner can normally be reached on Monday-Thursday and alternative Fridays from 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tonia Dollinger can be reached on (571)272-4170. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. B./

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Examiner, Art Unit 2443

/Tonia LM Dollinger/
Supervisory Patent Examiner, Art Unit 2443